

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

BERNARD SANGS,

PETITIONER

V.

NO. 2:97CR96-WAP

UNITED STATES OF AMERICA,

RESPONDENT

ORDER DENYING MOTION TO MODIFY SENTENCE

In December 1997, a jury found Bernard Sangs guilty of various drug related offenses. In March of 2000, Petitioner filed his first § 2255 motion to set aside conviction and sentence which this court denied. Subsequently, the Fifth Circuit granted Mr. Sangs permission to file a successive § 2255 motion which was addressed by this court in August of 2004. On October 26, 2005, Mr. Sangs filed a third § 2255 motion to vacate, set aside or correct his sentence. This motion was also denied because Petitioner had not sought nor received permission from the Court of Appeals to file a successive petition.

In an apparent attempt to subvert the rule prohibiting successive petitions, Mr. Sangs has now filed a “motion to modify” his sentence. Despite the style of the motion, it is best characterized as yet another § 2255 petition. He still has not, however, received permission from the Fifth Circuit to seek such relief. Furthermore, the arguments Mr. Sangs presents in his latest motion are not new nor novel. To the contrary, the arguments are substantially similar to those previously addressed by this court and found unworthy of relief.

Therefore, Petitioner’s motion to modify (docket entry 177) is DENIED.

THIS the 7th day of December, 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE